

subclass 61.45R.

Group II. Claims 28-33, drawn to a method, classified in class 29, subclass 622.

In the Restriction Requirement, it is indicated that the inventions of Group I and Group II are related as process of making and product made.

Applicant hereby elects with traverse Group I, claims 1-27 and 34-49, for prosecution in the application.

Applicant elects with traverse because the requirement to restrict between groups I and II is improper. The claims of group II are drawn to a method of using the motion response sensor that is the subject of the application, and not to a method of making such a sensor. For example, in independent claim 28, the providing of the motion response sensor and the generating of an electrical signal both occur during use of the motion response sensor. *not in method of making. not in use - ample.*

While the scope of claims 1-27 and 34-49 differs from the scope of claims 28-33, the inventions claimed are related as product and process of using. A single examination and search is appropriate for all the claims.

MPEP § 806.05(h) states, "A product and a process of using the product can be shown to be distinct inventions if either or both of the following can be shown: (A) the process of using as claimed can be practiced with another materially different product; or (B) the product as claimed can be used in a materially different process." Neither of these alternatives can be shown for the invention of the present application. To the contrary, claims 1 and 28 recite very similar limitations. Claim 28 recites "a substantially cylindrical contact disposed within an annular track," and "at least one pair of electrical contacts;" and correspondingly, claim 1

recites a sensor comprising "a housing having an annular track," "a substantially cylindrical contact disposed within the annular track," and "a plate coupled with the housing, the plate comprising at least one pair of electrical contacts."

Furthermore Applicant notes that MPEP § 806.05(h) requires "the examiner to provide an example," which has not been done.

Applicant has traversed the restriction requirement, and requests the examination of all of the claims pending in the above-identified application. In addition, Applicant notes that upon the allowance of a product claim, he is entitled as a matter of right to the rejoinder of any process claims that depend from or otherwise include all the limitations of the patentable product (see MPEP § 821.04).

The above remarks are believed to address fully the restriction requirement, and place the application in condition for examination. A prompt indication of the same respectfully is requested. The Examiner is encouraged to telephone the undersigned agent at (503) 224-6655 if any issues remain that may be resolved by a telephonic interview.

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JUL 28 2003

**CERTIFICATE OF MAILING**

Respectfully submitted,

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PATENT TRADEMARK OFFICE

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Date of Signature: July 14, 2003